

## EXPANDING ACCESS TO JUSTICE FOR SOCIALLY AND ECONOMICALLY NEEDY ELDERS THROUGH LAW SCHOOL EXPERIENTIAL PROGRAMS

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*As the elder population in the United States grows, the country will continue to struggle to provide low-income elders with legal services. The rise of gerontology programs at universities and experiential programs at law schools could serve to mitigate this problem. In his Article, Professor Pietsch describes the rise of gerontology and experiential programs and addresses how they can be used to provide legal services to elders in need. The author chronicles and highlights the University of Hawai'i Elder Law Program as an example of a successful experiential program benefitting both the elder community and the students who participated. The author uses student reflections and an overview of experiential programs across the country as a resource for schools interested in beginning a new clinic or expanding an existing program. This Article demonstrates that elder-focused experiential programs can expand access to justice and create better lawyers in the process.*

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The dying, older man looked up from his hospice bed at the three law students and asked, "Do you lady lawyers always wear black?" This broke any tension in the hospice room and helped start the conversation with Mr. R, the gentleman who needed legal assistance and who would get it thanks to the law students and the University of Hawai'i Elder Law Clinic. Mr. R needed help to ensure that his friend, M, would be able to pick up his ashes from the mortuary and scatter them at the beach. Mr. R did not have a spouse or a family, but he had his friend, M.

For the law students, this was their first real client and perhaps their first encounter with actual life and death issues. For the client, this was the only hope to get needed legal assistance as both his friend and the hospice staff had failed to find a legal service provider or volunteer to help him. The client intake, counseling, and provision of legal services took longer than anticipated, but the students remained patient, respectful and compassionate, even though it was a Friday afternoon. Mr. R was not expected to last the weekend.

## **I. Introduction**

Expanding access to justice for needy elders through law school experiential programs may be a viable means of addressing the unmet legal needs of older persons, while providing law students with quality opportunities to learn more about the practical side of lawyering and fulfilling experiences in their future profession. Part II of this Article provides an overview of the aging population and the need for legal assistance for this expanding population. Parts III and IV detail the rise of gerontology programs at universities and experiential programs at law schools and how they may intersect. Part V presents the University of Hawai'i Elder Law Program (UHELP) as an example of a law school experiential program focusing on elder persons. In Appendix A, law student experiences in serving clients through UHELP are presented through the students' own reflections. Finally, Appendix B includes website overviews of numerous law school programs addressing legal issues relating to our aging population across the country. This section will also include selected programs assisting veterans. Older veterans often have unique issues that elder law attorneys are able to address. Legal issues relating to the growing elder

veterans population is of increasing concern among elder law attorneys.<sup>1</sup>

## II. The Aging Population and Need for Legal Assistance

The population of older persons in Hawai'i and throughout the United States is growing.<sup>2</sup> Our aging population is experiencing increased longevity and difficulty supporting themselves.<sup>3</sup> Moreover, in the immediate future, the number of people with disabilities, at all levels of severity, will increase.<sup>4</sup> With longer life expectancies and increasing disability rates, society must determine how to care for people over a longer period of time.<sup>5</sup>

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1. See *Aging and Special Needs Statistics*, NAT'L ASS'N OF ELDER LAW ATTORNEYS, [http://www.naela.org/Public/About\\_NAELA/Media/Aging\\_and\\_Special\\_Needs\\_Statistics.aspx](http://www.naela.org/Public/About_NAELA/Media/Aging_and_Special_Needs_Statistics.aspx) (last visited Nov. 13, 2012); see also OLDER AMERICANS 2010: KEY INDICATIONS OF WELL-BEING, FEDERAL INTERAGENCY FORUM ON AGING-RELATED STATISTICS, (2010), [http://www.agingstats.gov/agingstatsdotnet/Main\\_Site/Data/2010\\_Documents/docs/OA\\_2010.pdf](http://www.agingstats.gov/agingstatsdotnet/Main_Site/Data/2010_Documents/docs/OA_2010.pdf).

2. About twenty percent of Hawai'i's population is over the age of sixty. See S. Yuan et al., *Hawai'i's Older Adults: Demographic Profile*, UNIV. OF HAWAI'I CENTER ON THE FAMILY (2007), <http://www.uhfamily.hawaii.edu/publications/list.aspx>; ADMIN. ON AGING, A PROFILE OF OLDER AMERICANS: 2011, at 1 (2011), [http://www.aoa.gov/AoARoot/Aging\\_Statistics/Profile/2011/docs/2011profile.pdf](http://www.aoa.gov/AoARoot/Aging_Statistics/Profile/2011/docs/2011profile.pdf). ("The population 65 and over has increased from 35 million in 2000 to 40 million in 2010 (a 15% increase) and is projected to increase to 55 million in 2020 (a 36% increase for that decade.);" *id.* at 3 ("People 65+ represented 13.1% of the population in the year 2010 but are expected to grow to be 19.3% of the population by 2030. The 85+ population is projected to increase from 5.5 million in 2010 and then to 6.6 million in 2020 (19%) for that decade.").

3. See ADMIN. ON AGING, *supra* note 2.

During 2011, the U.S. Census Bureau released a new Supplemental Poverty Measure (SPM). The SPM methodology shows a significantly higher number of older persons below poverty than is shown by the official poverty measure. For persons 65 and older this poverty measure shows a poverty level of 15.9% (an increase of over 75% over the official rate of 9.0%). Unlike the official poverty rate, the SPM takes into account regional variations in the cost of housing etc. and, even more significantly, the impact of both non-cash benefits received (e.g., SNAP/food stamps, low income tax credits, WIC, etc.) and non-discretionary expenditures including medical out-of-pocket (MOOP) expenses. For persons 65 and over, MOOP was the major source of the significant differences between these measures. Bear in mind that the SPM does not replace the official poverty measure.

4. ADMIN. ON AGING, A PROFILE OF OLDER AMERICANS: 2009, at 15 (2009), [http://www.aoa.gov/AoARoot/Aging\\_Statistics/Profile/2011/docs/2011profile.pdf](http://www.aoa.gov/AoARoot/Aging_Statistics/Profile/2011/docs/2011profile.pdf).

5. See *id.* The report goes on to state:  
Some type of disability (i.e., difficulty in hearing, vision, cognition, ambulation, self-care, or independent living) was reported by 38% of older persons in 2008. Some of these disabilities may be relatively minor but others cause people to require assistance to meet important

As more socially and economically needy people, young and old, seek legal services, many will be turned away by the very organizations that have pledged to provide access to legal services. For example, the Legal Service Corporation (LSC) reports that "50 percent of potential clients seeking help from LSC-funded programs were not served because of a lack of resources."<sup>6</sup> When the need for legal assistance far exceeds the legal resources available, an ever widening gap appears. LSC aptly calls this "the justice gap."<sup>7</sup> In April 2012, LSC co-hosted a White House forum on the state of civil legal assistance. At this forum, President Obama said that making civil legal assistance available to low-income Americans is "central to our notion of equal justice under the law," and pledged to be a "fierce defender and advocate" for legal services.<sup>8</sup> The need for civil legal assistance is partic-

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personal needs. Almost 37% of older persons reported in 2005 a severe disability and 16% reported that they needed some type of assistance as a result. Reported disability increases with age. 56% of persons over 80 reported a severe disability and 29% of the over 80 population reported that they needed assistance. There is a strong relationship between disability status and reported health status. Among those 65+ with a severe disability, 64% reported their health as fair or poor. Among the 65+ persons who reported no disability, only 10% reported their health as fair or poor. Presence of a severe disability is also associated with lower income levels and educational attainment.

6. Press Release, Legal Servs. Corp., LSC Releases Updated Report on Justice Gap in America, (Sept. 30, 2009), [http://www.legalaidnc.org/public/learn/publications/Documenting%20the%20Justice%20Gap/PressRelease\\_UPDATEDJusticeGapReport\\_Sept\\_30\\_09.pdf](http://www.legalaidnc.org/public/learn/publications/Documenting%20the%20Justice%20Gap/PressRelease_UPDATEDJusticeGapReport_Sept_30_09.pdf).

7. See LEGAL SERVS. CORP., DOCUMENTING THE JUSTICE GAP IN AMERICA: THE CURRENT UNMET CIVIL LEGAL NEEDS OF LOW-INCOME AMERICANS (2009), [http://www.lsc.gov/sites/default/files/LSC/pdfs/documenting\\_the\\_justice\\_gap\\_in\\_america\\_2009.pdf](http://www.lsc.gov/sites/default/files/LSC/pdfs/documenting_the_justice_gap_in_america_2009.pdf).

8. See *The White House and LSC Co-Host Forum on the State of Civil Legal Assistance*, LEGAL SERVS. CORP., <http://www.lsc.gov/media/in-the-spotlight/white-house-and-lsc-co-host-forum> (last visited Nov. 13, 2012). The forum looked at the critical role of civil legal assistance for the poor in fulfilling the promise of "justice for all," and in maintaining America's commitment to the rule of law, two nonpartisan issues that are fundamental to our way of life. *Id.*

ularly acute in Hawai'i, where only one in five low- and moderate-income individuals have their legal needs met.<sup>9</sup>

The "justice gap" impacts older adults, from baby boomers to centenarians, and legal problems affecting the elderly are growing in number.<sup>10</sup> Laws and regulations are becoming more complex for all segments of the population, including the elderly.<sup>11</sup> Further, legal actions taken by older people (often with the assistance of an attorney) may result in unintended legal consequences. For example, the simple transfer of a piece of property may disqualify an individual for Medicaid benefits for long-term care.<sup>12</sup>

Over the past quarter century, elder law has developed as a unique practice of law to meet the diverse needs of an aging population. The National Academy of Elder Law Attorneys (NAELA) has emerged as a leading elder law proponent.<sup>13</sup> Elder law is a unique field of practice because it is not defined by any particular technical legal distinctions but rather by the client to be served.

An attorney who practices elder law may handle a range of issues but have a specific category of clients—older persons, or their

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9. *Achieving Access to Justice For Hawai'i's People*, HAWAII JUSTICE FOUND. AND THE HAWAII STATE BAR ASS'N, (2007), [http://www.legalaidhawaii.org/HUI\\_Access\\_to\\_Justice.pdf](http://www.legalaidhawaii.org/HUI_Access_to_Justice.pdf).

- Only 1 in 5 low and moderate-income Hawai'i residents have their legal needs met.
- Significant barriers to obtaining legal assistance in addition to inability to afford an attorney include language and cultural barriers, lack of knowledge of one's legal rights, lack of knowledge of available legal services, and difficulty in accessing legal services programs.
- There is one legal service attorney for every 2,291 persons living below 125% of the federal poverty guideline.
- There is one legal service attorney for every 4,402 persons living below 200% of the federal poverty guideline.
- There is one private attorney for every 361 persons in the general population.

*Id.*

10. Sherry Karabin, *The Changing Population Creates a Growing Niche for Lawyers*, CHICAGO LAWYER (Nov. 1, 2011), available at <http://www.chicagolawyer magazine.com/Archives/2011/11/Elder-Law-Careers.aspx>.

11. *Id.*

12. See LAWRENCE FROLIK & RICHARD KAPLAN, ELDER LAW IN A NUTSHELL 131 (2010).

13. NAELA's History, NAT'L ASS'N OF ELDER LAW ATTORNEYS, [http://www.naela.org/Public/About/Fact\\_Sheet/NAELA\\_s\\_History/Public/About\\_NAELA/History.aspx?hkey=8b2aab86-18e9-48cb-af8d-6afadee9f0f4](http://www.naela.org/Public/About/Fact_Sheet/NAELA_s_History/Public/About_NAELA/History.aspx?hkey=8b2aab86-18e9-48cb-af8d-6afadee9f0f4) (last visited Nov. 13, 2012).

representatives or caregivers. Elder law attorneys use a variety of tools and techniques to meet the goals and objectives of the older client, and often work closely with others who commonly work with older persons, including doctors, nurses, social workers, case managers, financial planners, insurance agents, and other lawyers who may have a specialized legal skill needed by the older client, representative, or caregiver.<sup>14</sup> As indicated on the NAELA website, elder law attorneys may practice in key areas including: special needs law, estate planning and probate, guardianship and conservatorship, Medicaid and Medicare, age discrimination, elder abuse and neglect, housing, long-term care financing, and insurance.<sup>15</sup>

With the growing number of older adults, their needs and desires for legal services—especially affordable services—have fueled the popularity of a number of non-traditional legal providers. Nationally, many legal programs came about through the Administration on Aging (AOA), which provided limited funding for legal services to qualified older persons by means of Older Americans Act Title III-B grants, which are available through state Area Agencies on Aging.<sup>16</sup> In addition to legal services designed to help economically needy older adults with direct legal services, senior legal hotlines provide a limited amount of legal assistance.<sup>17</sup> The legal assistance provided by these hotlines raises definitional concerns, such as “what constitutes a helpline/hotline ‘client’ and a helpline/hotline ‘case’?”

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14. OLDER AMERICANS 2010: KEY INDICATIONS OF WELL-BEING, *supra* note 1; *Questions & Answers When Looking For An Elder and Special Needs Law Attorney*, NAT'L ASS'N OF ELDER LAW ATTORNEYS, [http://www.naela.org/Public/About/Media/Q\\_A\\_When\\_Looking\\_for\\_an\\_Elder\\_Law\\_Attorney/Public/About\\_NAELA/Public\\_or\\_Consumer/Q\\_A\\_When\\_Looking\\_for\\_an\\_Elder\\_Law\\_Attorney.aspx?hkey=3d874509-126c-47ce-a0ff-2fc4a9cf3d1d](http://www.naela.org/Public/About/Media/Q_A_When_Looking_for_an_Elder_Law_Attorney/Public/About_NAELA/Public_or_Consumer/Q_A_When_Looking_for_an_Elder_Law_Attorney.aspx?hkey=3d874509-126c-47ce-a0ff-2fc4a9cf3d1d) (last visited Nov. 14, 2012).

15. See generally *Questions & Answers*, *supra* note 14.

16. See ADMIN. ON AGING, *Legal Assistance Title III-B Providers*, available at [http://www.aoa.gov/AoARoot/AoA\\_Programs/Elder\\_Rights/Legal/title\\_providers.aspx](http://www.aoa.gov/AoARoot/AoA_Programs/Elder_Rights/Legal/title_providers.aspx) (last visited Nov. 14, 2012) (noting that “assistance for older persons in accessing long-term care options and other community-based services . . . [and] protect[ing] older persons against direct challenges to their independence, choice, and financial security” are highlights of Title III-B services).

17. See Ctr. for Elder Rights, *Reporting Guidelines for Calendar Year 2010 for Administration on Aging-Funded Senior Legal Helplines/Hotlines 2* (2010), [http://www.legalhotlines.org/dir\\_listing/productivity/Complete%20Packet%20of%20Senior%20Legal%20Hotline%20Reporting%20Instructions%20CY%202010.pdf](http://www.legalhotlines.org/dir_listing/productivity/Complete%20Packet%20of%20Senior%20Legal%20Hotline%20Reporting%20Instructions%20CY%202010.pdf).

And what is the difference between legal ‘advice’ and legal ‘information’?”<sup>18</sup>

Some hotlines only provide brief advice over the phone and do not offer full legal services.<sup>19</sup> A number of helplines perform legal tasks for full-service programs.<sup>20</sup> The project definition of “legal hotline” does not include programs that perform only telephone intake screening but do not routinely provide legal advice as part of their telephone intake services.<sup>21</sup>

LSC is the leading agency for providing legal services to the poor, including the poor elderly, in the U.S.<sup>22</sup> At the same time that the unmet legal needs of the poor are increasing, LSC is facing cuts in its budget.<sup>23</sup> The National Legal Resource Center,<sup>24</sup> a collaborative effort developed by the Administration on Aging, has attempted to help support legal services for older persons.<sup>25</sup>

While exploring the traditional resources for legal services, a sometimes-overlooked resource is the law school. An interesting symbiotic relationship could develop between allies searching for increased legal services to older persons and law schools recognizing that teaching legal skills and advocating justice for underserved populations could benefit all. Later in this Article, the example of UHELP, including the Elder Law Clinic of the University of Hawai‘i William S. Richardson School of Law, will serve as an example of how different parties in the community came together, shared resources, and worked together to address the unmet legal needs of socially and economically needy older persons.

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18. *Id.*

19. See *Legal Hotlines*, CTR. FOR ELDER RIGHTS ADVOCACY, <http://www.legal-hotlines.org> (last visited Nov. 14, 2012).

20. *Id.*

21. *Id.*

22. LEGAL SERVS. CORP., *Fact Sheet on the Legal Services Corporation*, <http://www.lsc.gov/about/what-is-lsc> (last visited Nov. 14, 2012).

23. Joe Palazzolo, *Legal Services Facing a Big Budget Cut*, WALL ST. J. L. BLOG (Nov. 15, 2011, 4:17 PM), <http://blogs.wsj.com/law/2011/11/15/legal-services-facing-a-big-budget-cut/>.

24. See NAT’L LEGAL RES. CTR., <http://www.nlrc.aoa.gov/> (last visited Nov. 14, 2012).

25. *Id.*

### III. Gerontology Studies at Universities

In addition to law schools, legal services for the elderly can be fostered in the gerontology discipline in the broader realm of academics, perhaps as part of a holistic study of lifetime personal needs of older persons. Centers for aging and gerontology in the academic realm have existed for decades,<sup>26</sup> but the legal aspects of aging did not appear essential to their development.<sup>27</sup> Involvement of legal professionals still tends to be limited.<sup>28</sup> For example, the mission statement of the University of Hawai'i Center on Aging (Center) contains all of the words one would hope for in fostering a multidisciplinary integration of teaching, research, and service, with a focus on multiculturalism.<sup>29</sup> Although law is included in the Center's listing of disciplines

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26. See *About Us*, UNIV. OF S. CAL. DAVIS SCH. OF GERONTOLOGY, <http://gero.usc.edu/about> (last visited Nov. 14, 2012). The oldest and perhaps best-known gerontology center is the Davis School of Gerontology at the University of Southern California. The Ethel Percy Andrus Gerontology Center is dedicated to "improving the quality of life for older persons through research and education." *Id.*

27. The Scripps Gerontology Center—one of the nation's oldest gerontology centers—originated with population and fertility studies, and later expanded into a multidisciplinary institution. The Scripps Gerontology Center was founded in 1922, and "was one of the first seven multidisciplinary centers for the study of aging in the nation to be funded by the U.S. Administration on Aging." SCRIPPS GERONTOLOGY CTR., *Mission, Values, & History*, <http://www.scripps.muohio.edu/node/267> (last visited Nov. 14, 2012).

28. See Marshall B. Kapp, *Professional Development in Law, Health Care, and Aging: A Model Fellowship Program*, 40 GERONTOLOGIST 364 (2000) (asserting that there is a growing need for programs geared toward elder issues).

29. *Center on Aging*, UNIV. OF HAW., <http://hawaii.edu/aging/> (last visited Nov. 14, 2012). The school's program communicates the following as its mission:

The health and quality of life of older adults is a vital concern in this changing demographic and economic climate. To enhance the well-being of older adults, the University of Hawai'i Center on Aging is committed to interdisciplinary and collaborative efforts in research, educational programs and service to the community. Most often, our Center's initiatives focus on the integration of research, education and service with a focus on the multicultural populations of Hawaii and the Pacific Region. [The Center's primary goals are to:]

1. Promote collaborative and interdisciplinary research within the university and with other academic and community partners. Our focus is often on applied, translational, and community-engaged research that serves older adults in our state.
2. Develop innovative programs of interdisciplinary gerontological education and practice.
3. Provide state of the art information to policy makers, program managers, clinicians, and the general public.



represented among its faculty, the reality is that interdisciplinary interaction is conducted through personal contacts among faculty members with little coordinated effort at a central level. The main reason, at least in Hawai'i, seems to be a lack of both funding and a permanent home for the Center.<sup>30</sup>

#### IV. Law School Elder Law Courses and Experiential Programs

While the gerontology programs in Hawai'i are struggling to become more inclusive of legal education and services, law school elder law courses have multiplied over the years, and have become dynamic focus areas at several law schools,<sup>31</sup> although there are few major programs that focus on elder law.<sup>32</sup> In addition, the traditional divide

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As an interdisciplinary center, the faculty represents a broad array of disciplines, including Public Health, Medicine, Law, Social Work, Disability Studies, Family Resources, Sociology, Nursing, and others.

30. Currently housed in the Office of the Vice Chancellor of Research and Graduate Education, the Center on Aging was originally an independent entity on the Manoa Campus of the University of Hawai'i until funding became a problem. The Center was subsequently disseminated between the School of Public Health, the Medical School, and until recently, the School of Social Work. In late 2008, a gift was given to the University to establish a chair in aging. See *UH Manoa Center on Aging Receives \$2 Million Gift*, THE UNIV. HAW. SYS. (Nov. 25, 2008), <http://www.hawaii.edu/news/article.php?aId=2569>. The chair would be occupied by:

[A] recognized scholar who will solidify existing courses and develop new curricula in an interdisciplinary and holistic approach to issues associated with aging. The chair will work with an advisory steering committee made up of administrators, deans and directors who have programmatic, research and instructional curriculum experience focused on the elderly.

*Id.* While awaiting a search the University of Hawai'i appointed an Interim Chair, Colette Browne, Ph.D. See *Faculty Page of Colette Brown*, UNIV. HAW. AT MANOA SCH. OF SOC. WORK, <http://www.hawaii.edu/sswork/faculty&staff/cbrowne.html> (last visited Nov. 14, 2012).

31. E.g., LAW SCHOOL ELDER LAW COURSES & CLINICS LISTED IN ON-LINE COURSE CATALOGS, AM. BAR ASS'N, [http://www.americanbar.org/content/dam/aba/migrated/aging/PublicDocuments/lshcls\\_offrg\\_e\\_law\\_chart.authcheckdam.pdf](http://www.americanbar.org/content/dam/aba/migrated/aging/PublicDocuments/lshcls_offrg_e_law_chart.authcheckdam.pdf) (last visited Nov. 14, 2012).

32. Stetson University College of Law's Center for Excellence in Elder Law is an example of what an elder law program might encompass. According to its webpage:

The Center for Excellence in Elder Law was established to meet the increasing need for legal education and research in the field of law and aging. The Center provides legal education to law students, attorneys, and judges in the field of elder and special needs law and produces scholarly research and writing on issues impacting those who are older and/or have special needs.

between didactic and experiential teaching methods presents challenges even in non-clinical courses. For example, it would be difficult to teach elder law using a purely Socratic method, like one may use to teach contracts. Instead, elder law tends to be a hands-on experience that requires not only a basic understanding of pertinent laws and legal concepts, but also the need to conduct an analysis of the client's legal problem, an assessment of capacity, and an understanding of the interaction between the client and lawyer to resolve the problem. Elder law clinics help make this hands-on experience real for law students.<sup>33</sup> Integrating these modalities can complement a law school's ancillary goals of improving legal education in the United States by

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The Center for Excellence in Elder Law offers opportunities for specialized courses, research projects, and continuing legal education. Students who wish to focus their studies on elder law can enroll in the elder law concentration. The online LL.M. in Elder Law program offers the convenience of 24-hour access to academic courses.

*Center for Excellence in Elder Law*, STETSON LAW, <http://www.law.stetson.edu/elderlaw/> (last visited Nov. 14, 2012). The web page describes opportunities available to students for interactive learning. Specifically:

Stetson has created four programs to educate students about the special legal needs of the elderly. The Elder Law Clinic allows eligible students to attain hands-on experience in legal problems of the elderly by working on actual cases. Some students work in legal services offices and actually represent elderly clients with civil legal problems. Other students work with assistant state attorneys prosecuting cases where elders are victims of consumer scams. The other three courses are: Aging and the Law, the Elder Law Seminar and the Elder Law Internship.

Stetson University offers an Elder Law Certificate of Concentration program, which requires students to take certain courses at the Law School. See *Elder Law Courses*, STETSON LAW, <http://www.law.stetson.edu/academics/elder/home/elder-law-courses.php> (last visited Nov. 14, 2012).

On an international level, the Canadian Centre for Elder Law (CCEL) provides a model of Elder Law advocacy but without an internal teaching component. *Welcome to CCEL*, CANADIAN CTR. FOR ELDER L., <http://www.bcli.org/ccel> (last visited Nov. 14, 2012). The CCEL includes research, law reform, and education relating to legal issues of interest to older adults. *Id.*

33. As more emphasis is placed on integrating experiential opportunities into the general curriculum, the lines between teaching modalities may become blurred. The MacCrate Report was instrumental in changing the way law schools approach teaching by encouraging the increased use of clinics and other experiential opportunities for law students to better prepare them for careers in the law. See THE AM. BAR ASS'N, LEGAL EDUCATION & PROFESSIONAL DEVELOPMENT—AN EDUCATIONAL CONTINUUM, REPORT OF THE TASK FORCE ON LAW SCHOOLS AND THE PROFESSION: NARROWING THE GAP (1992) [hereinafter MacCrate Report].

encouraging public service and fostering a commitment to pro bono legal services.<sup>34</sup>

In 1992, the American Bar Association, Section of Legal Education and Admissions to the Bar, published the *Report of the Task Force on Law Schools and the Professions*, which later became known as the MacCrate Report.<sup>35</sup> The MacCrate Task Force's purpose was to analyze and improve the process that prepared new lawyers.<sup>36</sup> The report calls for a practice-oriented, rather than theory-oriented, approach to legal education.<sup>37</sup> Specifically, the report suggests mandatory externships with government agencies, judges, and pro bono legal assistance clinics.<sup>38</sup>

Fifteen years later, in 2007, the Carnegie Foundation for the Advancement of Teaching (Carnegie Foundation) undertook its own evaluation of the methodology of professional education (including medicine, nursing, engineering, and clergy training), identified potential shortcomings, and offered suggestions for improvement.<sup>39</sup> The Carnegie Report states:

Professional education can be broken down into three apprenticeships of learning: the cognitive (which "focuses the student on the knowledge and way of thinking of the profession"); the practical (which exposes students to the "forms of expert practice shared by competent practitioners"); and the apprenticeship of identity (which "introduces students to the purposes and attitudes that are guided by the values for which the professional community is responsible").<sup>40</sup>

The cognitive apprenticeship is where a student learns to think like a lawyer, and the apprenticeship of practice is where she or he learns to act like a lawyer.<sup>41</sup> The Carnegie Report concluded that current law school curriculum is too focused on the cognitive apprenticeship, successfully teaching the conceptual pieces of lawyering, and neglecting

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34. Fostering a commitment to pro bono service was one of the goals in establishing the Pro Bono Program at the William S. Richardson School of Law. See *Pro Bono Program*, UNIV. HAW. MANOA WILLIAM S. RICHARDSON SCH. LAW, <http://law.hawaii.edu/probono> (last visited Nov. 14, 2012).

35. See MacCrate Report, *supra* note 33.

36. *Id.*

37. *Id.*

38. *Id.*

39. WILLIAM M. SULLIVAN ET AL., CARNEGIE FOUND. FOR THE ADVANCEMENT OF TEACHING, *EDUCATING LAWYERS* (2007) [hereinafter Carnegie Report].

40. Kristen Holmquist, *Challenging Carnegie*, 61 J. LEGAL EDUC. 353, 358 (2012) (quoting the Carnegie Report).

41. *Id.*

the apprenticeship of practice and identity.<sup>42</sup> Law schools typically use the case-dialogue method, which is narrow and does not teach students how to deal with people or complex situations.<sup>43</sup> As a result, the "task of connecting the analytical process 'with the rich complexity of actual situations that involve full-dimensional people, let alone the job of thinking through the social consequences or ethical aspects of the conclusions, remains outside the case-dialogue method.'"<sup>44</sup> Its main criticism is that the case-dialogue method quickly and effectively teaches students how to "think like a lawyer," but provides no guidance for understanding the social consequences or ethical aspects of the legal conclusions it creates.<sup>45</sup> As a result, students graduate from law school "more like competitive scholars than attorneys engaged with the problems of clients"<sup>46</sup> and are "largely unprepared for day-to-day practice."<sup>47</sup> In order to remedy the deficiencies in the traditional law school curriculum, the report calls on law schools to offer a three-part, integrated curriculum which includes the cognitive, practical, and apprenticeship aspects of learning.<sup>48</sup> Real world application of the Carnegie and MacCrate recommendations can be seen at the University of Hawai'i. UHELP incorporates the practice-oriented approach called for by the MacCrate Report and integrates the three apprenticeships of learning called for by the Carnegie Report.<sup>49</sup>

Integrating legal theory and practice is complicated. Law professors belong to two professional groups: lawyers and teachers. This integration imposes two sets of ethical standards on law professors and helps position them to benefit society from different perspectives.<sup>50</sup> Traditionally, law professors engage in teaching, research, and service activities as part of their commitment to their institutions and to their community. Law professors who teach clinics have added

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42. *Id.* at 355.

43. *Id.* at 361.

44. *Id.* at 359.

45. *Id.*

46. *Id.*

47. *Id.* at 357.

48. *Id.* at 358.

49. See MacCrate Report, *supra* note 33; Carnegie Report, *supra* note 39. See generally *Welcome to the University of Hawai'i Elder Law Program*, UNIV. HAW. ELDER LAW PROGRAM, <http://www.hawaii.edu/uhelp/> (last visited Nov. 14, 2012) [hereinafter *Elder Law Program*].

50. See AALS Handbook: *Statement of Good Practices*, THE ASS'N OF AM. LAW SCH., [http://www.aals.org/about\\_handbook\\_sgp\\_eth.php](http://www.aals.org/about_handbook_sgp_eth.php) (last visited Nov. 14, 2012).

opportunities to engage in “real world” lawyering while teaching and mentoring law students. Providing access to justice for underserved groups such as socially and economically needy older persons allows law professors to meet the high standards of these two professions.<sup>51</sup> The American Association of Law Schools sets forth guidelines applicable to its members, including responsibilities to the bar and general community:

One of the traditional obligations of members of the bar is to engage in uncompensated public service or pro bono legal activities. As role models for students and as members of the legal profession, law professors share this responsibility. This responsibility can be met in a variety of ways, including direct client contact through legal aid or public defender offices (whether or not through the law school), participating in the legal work of public interest organizations, lecturing in continuing legal education programs, educating public school pupils or other groups concerning the legal system, advising local, state and national government officials on legal issues, engaging in legislative drafting, or other law reform activities.<sup>52</sup>

Community legal service providers, law firms, individual attorneys doing pro bono work, and, in some cases, underserved individuals in the community should be able to tap into the resources of law schools. Experiential programs such as pro bono programs, externships, and clinics are the logical places to start the process of locating legal service opportunities. Although this Article will focus on the potential that clinical programs have to serve needy older persons, the pro bono programs and externships should also be explored for their potential to provide extra services to needy populations.

Many law schools encourage law students to undertake an externship placement in a law firm, government agency, nonprofit organization, or law-related entity so that the students may gain practical experience.<sup>53</sup> The American Bar Association has an externship program for law students in the field of elder law, especially those who may be interested in pursuing a career focusing on law and aging

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51. *Id.*

52. *Id.*

53. See *Pro Bono Publico*, AM. BAR ASS'N, [http://www.americanbar.org/groups/legal\\_education/resources/pro\\_bono.html](http://www.americanbar.org/groups/legal_education/resources/pro_bono.html) (last visited Nov. 14, 2012).

issues.<sup>54</sup> Legal services organizations funded through LSC have sponsored law students in externship programs, and LSC itself sponsors an unpaid summer law clerkship, which can qualify for law school credit through a school's externship program.<sup>55</sup>

A majority of ABA accredited law schools now have formal pro bono or public service programs, with several requiring students to perform varying amounts of pro bono work in order to graduate.<sup>56</sup> ABA Accreditation Standard 302(b)(2) provides that "[a] law school shall offer substantial opportunities for . . . student participation in pro bono activities . . ."<sup>57</sup> In 2007, the ABA adopted New Interpretation 302-10 of Accreditation Standard 302(b)(2), which provides:

Each law school is encouraged to be creative in developing substantial opportunities for student participation in pro bono activities. Pro bono opportunities should at a minimum involve the rendering of meaningful law-related service to persons of limited means or to organizations that serve such persons; however, volunteer programs that involve meaningful services that are not law-related also may be included within the law school's overall program.

Law-related pro bono opportunities need not be structured to accomplish any of the professional skills training required by Standard 302(a)(4). While most existing law school pro bono programs include only activities for which students do not receive

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54. See *Legal Externship Opportunities*, AM. BAR ASS'N, [http://www.americanbar.org/content/dam/aba/uncategorized/2012\\_extern\\_ad\\_rev\\_d\\_3\\_27\\_12.authcheckdam.pdf](http://www.americanbar.org/content/dam/aba/uncategorized/2012_extern_ad_rev_d_3_27_12.authcheckdam.pdf) (last visited Nov. 14, 2012).

Each extern will be assigned to produce at least one major product (a report, article, analysis, bibliography, etc.) under the supervision of a staff attorney. In addition, the extern will assist staff attorneys in researching or monitoring other legal/policy developments or in working on an identifiable component of a larger research or writing project. The core focus will be chosen from among several current priorities of the Commission which include: nursing home/long-term care access and quality issues; Medicare/Medicaid coverage issues; health care decision-making developments; state guardianship law reform; elder abuse; international perspectives in elder rights.

*Id.*

55. See, e.g., *2012 Summer Law Clerk (Unpaid)*, LEGAL SERVS. CORP., <http://www.lsc.gov/about/careers-lsc/2012-summer-law-clerk-unpaid> (last visited Nov. 14, 2012) ("Ideal candidates will have excellent research and writing skills and an interest in public interest, government affairs, regulatory or administrative law. Applicants who are able to receive academic credit through an externship program or obtain funding from a third-party source are strongly preferred.").

56. See *Chapter 3: Program of Legal Education*, AM. BAR ASS'N, [http://www.americanbar.org/content/dam/aba/migrated/legaled/standards/20072008StandardsWebContent/Chapter\\_3.authcheckdam.pdf](http://www.americanbar.org/content/dam/aba/migrated/legaled/standards/20072008StandardsWebContent/Chapter_3.authcheckdam.pdf) (last visited Nov. 14, 2012).

57. *Id.*

academic credit, Standard 302(b)(2) does not preclude the inclusion of credit-granting activities within a law school's overall program of pro bono opportunities so long as law-related non-credit bearing initiatives are also part of that program.<sup>58</sup>

In Hawai'i in 1992, the William S. Richardson School of Law adopted a Public Service graduation requirement.<sup>59</sup> The class of 1995 was the first graduating class obliged to fulfill the requirement.<sup>60</sup> The Law Student Public Service (better known as "Pro Bono") Program introduces the concept of pro bono service to law students and is an integral part of the academic program at the law school.<sup>61</sup> It provides law students the opportunity to address unmet legal needs in the community while enriching their legal education.<sup>62</sup> Successful completion of the pro bono service requirement is a condition for graduation.<sup>63</sup> All law school admittees are given notice of the pro bono graduation requirement when acceptance letters are sent to them.<sup>64</sup>

The Pro Bono Program at the William S. Richardson School of Law was one of the first law school pro bono programs in the country and is thought to be the first student-initiated mandatory program in the nation.<sup>65</sup> Since the inception of the program, each law student has provided an average of approximately seventy-five hours of service.<sup>66</sup> Over the first decade of the program, law students provided more than 50,000 hours of pro bono services.<sup>67</sup>

The requirements of the pro bono program allow for an expansive range of work. The law student must find a licensed attorney to supervise the legal work but the project can be as far flung as saving Siberian Tigers, researching landlord tenant issues in Chinatown evictions, or preserving the *iwi* (bones) of native Hawai'ian ancestors.<sup>68</sup>

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58. *Id.*

59. *See Pro Bono Program, supra* note 34.

60. *Id.*

61. *Id.*

62. *Id.*

63. *Id.*

64. *See Law Student Public Service (Pro Bono) Program*, UNIV. HAW. SCH. OF LAW, <http://law.hawaii.edu/studenthandbook/public-service-program> (last visited Nov. 14, 2012). "The Pro Bono Program at the William S. Richardson School of Law was one of the first law school *pro bono* programs in the nation and is believed to be the first student-initiated mandatory program in the nation." *Pro Bono Program, supra* note 34. The author is the faculty pro bono advisor for law students.

65. *Pro Bono Program, supra* note 34.

66. *Pro Bono Program Objectives*, UNIV. HAW. MANOA SCH. OF LAW, <http://law.hawaii.edu/probono/objectives> (last visited Nov. 14, 2012).

67. *Id.*

68. *Pro Bono Program, supra* note 34.

Some law students have worked for the Hawai'i Innocence Project to free unjustly held prisoners.<sup>69</sup> Many have worked for judges, researching cases that have kept beaches open to the public or have addressed complex issues such as same sex marriage.<sup>70</sup> Some students have engaged in "fun" work in addition to the serious work they do. For instance, law students working as Kids First advocates, or for the family court, have explained court rules to children of divorcing parents, taken them to court-sponsored outings, and given a hug or two, even if some of the law student's time did not count towards their pro bono graduation requirement.<sup>71</sup>

Over the years, law students at the University of Hawai'i have provided many hours of pro bono services to UHELP.<sup>72</sup> While UHELP provides legal services to many older individuals, as will be seen later in this Article, its mission is limited to serving certain socially and economically needy persons, sixty years of age and over, and it cannot assist individuals with criminal or fee-generating cases.<sup>73</sup> Other experiential programs at the law school expand the school's capacity to assist needy older individuals in the community. Services provided by law students at UHELP ranged from legal research for UHELP publications, research for UHELP legislative initiatives, community outreach sessions to senior groups, and legal assistance under the supervision of UHELP staff.<sup>74</sup> For example, one summer, two former elder law clinic students, through the law school pro bono program, worked on a somewhat complex guardianship procedure that had been filed on behalf of a client by the Elder Law Clinic/UHELP. The students tracked down and sent letters to missing relatives in the United States and the Philippines in order to provide required notice. They also helped prepare the petitioner for the court

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69. See HAWAII INNOCENCE PROJECT, <http://www.innocenceprojecthawaii.org> (last visited Nov. 14, 2012).

70. The author is the director of the Pro Bono Program. *Pro Bono Program*, *supra* note 34.

71. See *Family Court Volunteer Opportunities*, HAW. STATE JUDICIARY, [http://www.courts.state.hi.us/courts/family/family\\_court\\_volunteer\\_opportunities.html](http://www.courts.state.hi.us/courts/family/family_court_volunteer_opportunities.html) (last visited Nov. 14, 2012).

72. The author is the director of UHELP and teaches the elder law clinic. See *Elder Law Program*, *supra* note 49.

73. *Id.*

74. See generally *id.* (noting that UHELP has two full-time staff and several part-time attorneys, and places particular emphasis on assisting socially and economically needy older persons and their caregivers).



hearing and drafted the court order and letters of guardianship. The next semester, the advanced Elder Law Clinic students followed through with the court hearing and the guardianship was granted.<sup>75</sup>

For law schools that do not already have well-established programs, the ABA's Handbook on Law School Pro Bono Programs provides a history and overview of pro bono programs in law schools, a detailed directory, and selected documents from the programs.<sup>76</sup>

## V. Elder Law at the University of Hawai'i

Elder law has been an integral part of the William S. Richardson School of Law at the University of Hawai'i at Manoa for over twenty years. UHELP consists of three interrelated components designed to train future elder law attorneys and to provide quality legal services to deserving populations: didactic legal education, clinical legal education, and legal services.<sup>77</sup>

Substantive legal education at UHELP consists of two didactic courses and two clinic courses offered to law students and certain graduate students. The didactic courses are Law, Aging and Medicine (formerly known as the Elder Law course) and Health Law: Bioethics.<sup>78</sup> These substantive legal courses provide a basic foundation for legal practice with the elderly. Substantive topics covered include: Social Security and Supplemental Security Income, food stamps, Medicare, Medicaid, the Older Americans Act, the delivery of legal services to the elderly, guardianship and conservatorship, long-term care, elder abuse and neglect, adult protective services, medical treatment decisions, financial planning, estate planning, consumer protection, housing, and age discrimination in employment.<sup>79</sup> Geriatric Fellows and Psychiatry Fellows from the John A. Burns School of Medicine are also offered courses of instruction to help them understand the medical-legal is-

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75. This is one example from the author's personal experience teaching the elder law clinic. *See also id.*

76. *See THE AALS PRO BONO PROJECT, A Handbook on Law School Pro Bono Programs* (2001), <http://www.aals.org/probono/probono.pdf>.

77. *See Elder Law Program, supra* note 49.

78. *Law, Aging and Medicine*, UNIV. OF HAW. SYS., [http://www.sis.hawaii.edu/uhdad/bwckctlg.p\\_disp\\_course\\_detail?cat\\_term\\_in=201310&inst\\_in=MAN&subj\\_code\\_in=LAW&crse\\_num\\_in=521](http://www.sis.hawaii.edu/uhdad/bwckctlg.p_disp_course_detail?cat_term_in=201310&inst_in=MAN&subj_code_in=LAW&crse_num_in=521) (last visited Nov. 14, 2012); UNIV. HAW. ELDER LAW PROGRAM, *Bioethics Law* 532, <http://www.hawaii.edu/uhelp/law-520E.htm> (last visited Nov. 14, 2012).

79. UNIV. HAW. ELDER LAW PROGRAM, *Elder Law*, <http://www.hawaii.edu/uhelp/law-521.htm> (last visited Nov. 14, 2012).

sues affecting older persons.<sup>80</sup> The substantive areas of education help students prepare for the clinical aspect of the elder law experience at the University of Hawai'i.

Law students and certain graduate students who have completed one or more of the required didactic courses are eligible to participate in the Elder Law Clinic, which also includes an Advanced Elder Law Clinic.<sup>81</sup> The goal of the Elder Law Clinic is to provide students with real-life experience in representing elder clients with a variety of legal issues.<sup>82</sup> The Elder Law Clinic combines traditional classroom education with the opportunity to provide direct legal services under the close supervision of a professor who is licensed to practice law in Hawai'i.<sup>83</sup> The Clinic allows students to serve socially and economically disadvantaged O'ahu citizens over age sixty with legal issues, including: public entitlements, guardianship, conservatorship and their alternatives, landlord-tenant issues, elder abuse, age discrimination, planning for incapacity and death, consumer protection, and health care and medical treatment decisions.<sup>84</sup>

The Elder Law Clinic course exposes students to some of the areas of law impacting elders. The Clinic also alerts students to some of the ethical and practical issues encountered when providing legal services to

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80. *Elder Law Program*, *supra* note 49.

81. *Workshops & Clinics: Elder Law*, UNIV. OF HAW. SYS. [http://www.sis.hawaii.edu/uhdad/bwckctlg.p\\_disp\\_course\\_detail?cat\\_term\\_in=201230&inst\\_in=MAN&subj\\_code\\_in=LAW&crse\\_num\\_in=590D](http://www.sis.hawaii.edu/uhdad/bwckctlg.p_disp_course_detail?cat_term_in=201230&inst_in=MAN&subj_code_in=LAW&crse_num_in=590D) (last visited Nov. 14, 2012); *Workshops & Clinics: Advanced Elder Law Clinic*, UNIV. OF HAW. SYS. [http://www.sis.hawaii.edu/uhdad/bwckctlg.p\\_disp\\_course\\_detail?cat\\_term\\_in=201230&inst\\_in=MAN&subj\\_code\\_in=LAW&crse\\_num\\_in=590W](http://www.sis.hawaii.edu/uhdad/bwckctlg.p_disp_course_detail?cat_term_in=201230&inst_in=MAN&subj_code_in=LAW&crse_num_in=590W) (last visited Nov. 14, 2012). From the author's personal observation as UHELP director and teacher of the elder law clinic, in spring 2012, the "basic course" consisted of ten law students, a Masters of Social Work (MSW) student and a Masters of Law (LL.M. for foreign students) who worked on various Elder Law projects in groups of three throughout the semester. The "advanced course" varies, but usually consists of two to four students per semester.

82. *Id.* For instance, students enrolled in the Elder Law Clinic "[d]irect legal assistance activities such as intake, case work, counseling, [and] document preparation/execution . . . ." *Id.* The students' activities "take place at a variety of locations, including the law school, senior citizen meeting places, institutions, and even private homes." *Id.*

83. See *Elder Law Program*, *supra* note 49. All students are given a seventy-plus page Elder Law Clinic Manual, which provides students with information about the organization, policies, and procedures of the clinic; and an Elder Law Clinic "Legal Assistance Starter Kit," which contains extensive information about the aging network in Hawai'i, including contact information, an appendix of references, and required forms.

84. See *Elder Law Program*, *supra* note 49.

elders and their caregivers.<sup>85</sup> In addition to developing skills in interviewing and advising clients, students gain experience in drafting and executing legal documents for their clients.<sup>86</sup> The Clinic also gives students the opportunity to present elder law topics to the community and participate in court cases involving guardianship or conservatorship.<sup>87</sup> The course also exposes students to practical caregiving and health-related legal issues faced by the general population, including but not limited to, elders.<sup>88</sup> This opportunity includes the chance to work with other professionals, such as doctors, nurses, social workers, case managers, and financial advisors.<sup>89</sup>

A veterans' focus pilot project is a recent addition to the Elder Law Clinic.<sup>90</sup> The City and County of Honolulu Elderly Affairs Division (one of the four Area Agencies on Aging in Hawai'i) provided a small start-up grant to UHELP to assist veterans with an emphasis on addressing the specific needs of older veterans and their caregivers.<sup>91</sup> The UHELP staff and students have provided outreach sessions at the Spark M. Matsunaga VA Medical Center,<sup>92</sup> and the Geriatrics, Rehabilitation and Extended Care Center (Center on Aging) located on the Tripler Army Medical Center campus in Honolulu.<sup>93</sup> The Elder Law Clinic students also conducted intake and provided legal services at the Honolulu Vet Center in downtown Honolulu.<sup>94</sup> The experience gained in working with veterans as well as Veterans Administration doctors, nurses, social workers, and counselors will help solidify the UHELP and Elder Law Clinic's shift toward focusing more efforts on veterans and their caregiv-

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85. *Id.*

86. *See id.*

87. *See id.*

88. *See id.*

89. James H. Pietsch, *Teaching Elder Law at the University of Hawaii: Integrating Health Law and Cultural Issues into the Curriculum*, 40 STETSON L. REV. 263, 287 (2010).

90. HAWAI'I ACCESS TO JUSTICE COMMISSION, ANNUAL REPORT FOR 2011, (2011), <http://www.hawaiijustice.org/wp-content/uploads/2011/05/annual-report-for-2011-ver-7-5-11-12.pdf>.

91. *Id.*

92. *See VA Pacific Islands HCS Reaches Out*, U.S. DEP'T OF VETERANS AFFAIRS, [http://www.hawaii.va.gov/features/VA\\_Pacific\\_Islands\\_HCS\\_Reaches\\_Out.asp](http://www.hawaii.va.gov/features/VA_Pacific_Islands_HCS_Reaches_Out.asp) (last visited Nov. 14, 2012).

93. *See Geriatrics, Rehabilitation & Extended Care Center*, U.S. DEP'T OF VETERANS AFFAIRS, [http://www.hawaii.va.gov/visitors/Center\\_for\\_aging.asp](http://www.hawaii.va.gov/visitors/Center_for_aging.asp) (last visited Nov. 14, 2012).

94. *See Honolulu Vet Center*, U.S. DEP'T OF VETERANS AFFAIRS, <http://www2.va.gov/directory/guide/facility.asp?id=441> (last visited Nov. 14, 2012).

ers—a natural inclination for elder law attorneys and professors.<sup>95</sup> The appendix includes references to selected veterans' rights clinics that have sprung up over the years at law schools.

While the services the Elder Law Clinic provides are free to the community, the Clinic operates only during the fall and spring semesters. The direct legal services component of UHELP, however, provides the legal logistics and support for the Elder Law Clinic and renders direct legal services year-round.<sup>96</sup> This component of UHELP is especially important for those cases undertaken by Elder Law Clinic students that are not completed by the end of a semester.<sup>97</sup>

UHELP is directed by a professor/attorney who has primary responsibility for operating the law firm and educational components of UHELP.<sup>98</sup> UHELP also has several practicing attorneys in the community who volunteer to assist the program on a part-time basis, a law student law clerk, and a law office administrator/legal assistant.<sup>99</sup>

While UHELP is able to assist numerous people each year through its legal services and community outreach endeavors, the scope of its services is limited.<sup>100</sup> UHELP is not permitted to assist with legal matters involving business, criminal, personal injury, or other fee-generating cases.<sup>101</sup> Individuals may qualify for services if they are sixty or older and socially or economically needy, or if the individual is a caregiver of an older person and needs legal assistance on behalf of the older person.<sup>102</sup> Each case is evaluated according to its own merits and in accordance with staff capabilities.<sup>103</sup>

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95. HAWAII ACCESS TO JUSTICE COMMISSION, *supra* note 90.

96. Pietsch, *supra* note 89.

97. For example, during one spring semester, Elder Law Clinic students helped commence a guardianship petition in the Family Court of the First Circuit in Honolulu. The average guardianship petition case takes several months to appear on the court docket, and this particular case had not been heard by the end of the semester. That summer, UHELP monitored the case and kept the client informed of progress and, as previously mentioned in this article, law students followed through with assistance to track down individuals and to file required court paperwork. Students who enrolled in the Advanced Elder Law Clinic that fall were able to attend the court hearing and see the case through to conclusion.

98. See *Elder Law Program*, *supra* note 49.

99. See *id.*

100. *Id.*

101. *Id.*

102. *Id.*

103. *Id.*

In addition to handling approximately 400 cases per year, UHELP also conducts extensive community outreach services, such as providing educational seminars for older persons, caregivers, and service providers.<sup>104</sup> As previously mentioned, UHELP is the source of clients for the Elder Law Clinic and students also engage in the community outreach services and educational seminars.<sup>105</sup> Each semester every Elder Law Clinic student is required to participate in at least three sessions. This focuses their attention on the particular subject area and gives them more confidence in giving educational presentations to the public while exposing them to senior groups and older individuals' special needs.<sup>106</sup>

Over the past six years, UHELP has produced approximately 50,000 copies of consumer handbooks, which guide readers in a simplified way through several areas of legal concern facing older persons, caregivers, and the persons for whom they care.<sup>107</sup> Law students use the handbooks as resources for class and in conducting outreach sessions to the community. Significant portions of the handbooks deal with mental capacity, health care decision making, and health care financing issues.<sup>108</sup> Elder Law Clinic students help pass out the handbooks in the community and use these materials to prepare for their outreach sessions.

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104. *Id.*

105. *Id.*

106. Kate Mewhinney, *The Human Touch: Clinic Teaching of Elder Law*, 40 STETSON L. REV. 151, 153 (2010).

107. JAMES H. PIETSCH & LENORA H. LEE, DECIDING WHAT'S NEXT?: A LEGAL HANDBOOK FOR HAWAII'S CAREGIVERS, FAMILIES AND OLDER PERSONS (2011), [http://www.hawaii.edu/uhelp/files/DecidingWhatsNext\\_2011.pdf](http://www.hawaii.edu/uhelp/files/DecidingWhatsNext_2011.pdf) (last visited Nov. 14, 2012).

108. *Id.*

#### IV. Conclusion

In sum, law school experiential programs can be of significant benefit to both law students and to law schools. Law students benefit by being able to experience the real practice of law while learning legal theory and particular areas of the law.<sup>109</sup> Needy individuals in the community, such as socially and economically needy older persons, benefit by having access to quality legal services that may otherwise be unavailable to them. While UHELP may be seen as an example of a law school program that integrates law school experiential programs with community legal services for older persons, other law school models may also help link academia with people who need legal services. Even if a law school does not have a direct legal services component, law professors can reach out to Area Agencies on Aging to offer at least limited services and to seek potential clients for their clinics.<sup>110</sup> Keeping up with the Agencies can also help keep the professor up-to-date on issues affecting older persons.

The student reflections in Appendix A help demonstrate the profound impact that a law school experiential program can have on the student as well as on the older client. The overview of selected elder law and veterans programs at law schools in Appendix B provides a useful resource to those interested in looking at different models across the country.

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109. See generally James E. Moliterno, *Legal Education, Experiential Education, and Professional Responsibility*, 38 WM. & MARY L. REV. 71, 71 (1996).

110. For a list of Area Agencies on Aging by state, see *AAAs/Title VI Agencies*, N4A, <http://www.n4a.org/about-n4a/?fa=aaa-title-VI> (last visited Nov. 14, 2012).

## APPENDIX A

## STUDENT REFLECTIONS ON THE UHELP ELDER LAW CLINIC

## MR. T BY MSW STUDENT

Mr. T was referred to the Elder Law Clinic through the partnership with the Veterans Administration, by the Veterans Drop-in Center clinical social worker who expressed the veteran's issues. Mr. T was a corpsman in the United States Navy and served in combat with the Marines in Vietnam where he witnessed violence and badly injured men and women. This caused multiple symptoms of post-traumatic stress disorder which has resulted in estranged family members, distrust in others and vulnerability due to his psychological issues. Mr. T shied away from people. He felt he had been exploited by his neighbor who had convinced him to create a will leaving everything he owned to the neighbor's daughter. Moreover, Mr. T felt helpless as he explained how the lawyer who helped create the will would not provide him with a copy of the will but has kept the document in a safe in his office. The lawyer told Mr. T he would bring out the will when he saw Mr. T's obituary in the paper.

The elder law clinic group present included the professor, an LL.M. student, and an MSW student. We met with the client alone to assure no undue influence. We counseled Mr. T about the multiple options he may have to revoke the previous will. These included making a new will or a trust. We continued to educate him on the differences, benefits, and costs of each. The client understood each option and decided to continue by first setting up a meeting with one of the practicing attorneys assisting the clinic to execute a trust. In the meantime, he agreed to execute a holographic will leaving his money to the Humane Society. The client seemed relieved and showed his appreciation by providing us with snacks and sweets. I was touched by his sincerity and trust in our clinic.

I was especially pleased we could assist Mr. T because he was a victim of exploitation and undue influence. This experience made me incredibly appreciative of the assistance the clinic can offer those who may not have the resources or trust in any other law firm. Being a social work student I was able to set up the appointment working in conjunction with the clinical social worker. I am appreciative of the opportunity to see the advantages of understanding the legal system and witnessing the benefits of assisting someone. The practical expe-

rience helped my learning, especially when I could observe it in action. This also gave me a better appreciation of the clinic, especially when I know what was accomplished could have cost the client more than he could afford. This has added to my knowledge and appreciation of law. It has helped me grow as a social worker by adding to my knowledge, practice and approach of viewing the client as a whole, including legal issues.

MRS. Q BY LAW STUDENT \*

The Elder Law program has given me an opportunity to interact with the community more than any other clinic or course in law school. I initially signed up for the Elder Law Clinic because I wanted to understand how elder law works in Hawai'i, and how I might be able to apply the same principles and methods in American Samoa. My perspective on the law has changed—and continues to change—because of this class. Before taking this clinic, the law on trusts and estates made sense as they were written in the casebook—the relevant law as applied to a set of facts produces a legal result. However, what the casebook does not discuss is the human element. The Elder Law Clinic bridges the gap between the cases provided by the casebook, and the needs or wants of a client.

My first interaction with a client was very interesting because I was nervous about explaining legal concepts to a non-lawyer while the professor and UHELP volunteer attorney were in the room. My group was meeting with Ms. Q to create a power of attorney. My heart was pounding and I was convinced the client could see the impressions of my racing heart against my shirt. She was kind and nice and it went without a hitch. She asked questions and her interest piqued when I mentioned that certain institutions might not honor this power of attorney we were creating because they might have their own forms to fill out. After my first meeting I became more confident about meeting with clients. As I drove home that day, I realized meeting with clients and answering questions is the best way to train a lawyer to think on his/her feet. I am grateful that I signed up for the Elder Law Clinic this year. I am seriously thinking about becoming an elder law attorney when I move to American Samoa at the end of the summer. I have UHELP to thank.



## APPENDIX B

## SELECTED ELDER LAW AND VETERANS LAW CLINICS

ALBANY LAW SCHOOL (New York) has the Government Law Center's Aging Law & Policy Program which helps governments prepare for the significant shift in demographics of the aging population. The Government Law Center hosts a wide variety of conferences dedicated to such topics as: financial well-being for the elderly; employment benefits and pension protection; kinship care; guardianship; access to affordable prescription drugs; aging in place; and housing alternatives for adults with disabilities.<sup>111</sup>

AMERICAN UNIVERSITY, WASHINGTON COLLEGE OF LAW (District of Columbia) has a two-semester Disability Rights Law Clinic which represents clients with mental and physical disability issues.<sup>112</sup>

CAMPBELL UNIVERSITY, NORMAN ADRIAN WIGGINS SCHOOL OF LAW (North Carolina) has the Senior Law Clinic which provides legal services to low-income seniors in the greater Raleigh area. Students provide consultative, transactional, and advocacy legal services with issues such as simple wills, power of attorney and advanced directives, abuse and neglect, housing, and other significant concerns.<sup>113</sup>

THE CATHOLIC UNIVERSITY OF AMERICA, COLUMBUS SCHOOL OF LAW (District of Columbia) has a clinic called Advocacy for the Elderly, which is a program "developed specifically to provide evening-division students with in-depth, practical legal training through direct representation of elderly clients."<sup>114</sup> Advocacy for the Elderly is one of the few representational law school clinics in the country aimed at

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111. *Aging Law and Policy*, GOV'T LAW CTR. ALBANY LAW SCHOOL, <http://www.albanylaw.edu/glc/about/expertise/aging/Pages/law-policy.aspx> (last visited Nov. 14, 2012).

112. *Disability Rights Law Clinic*, AM. UNIV. WASHINGTON COLL. OF LAW, <http://www.wcl.american.edu/clinical/disability.cfm> (last visited Nov. 14, 2012).

113. *Clinical Programs*, CAMPBELL UNIV. NORMAN ADRIAN WIGGINS SCH. OF LAW, <http://law.campbell.edu/page.cfm?id=507&n=clinical-programs> (last visited Nov. 14, 2012).

114. *Columbus Community Legal Services: Advocacy for the Elderly*, CATHOLIC UNIV. OF AM., <http://clinics.law.edu/AFE.cfm> (last visited Nov. 14, 2012).

fitting the needs of part-time students, who usually balance studies with full-time employment and family commitments.<sup>115</sup>

CHAPMAN UNIVERSITY SCHOOL OF LAW (California) has the Alona Cortese Elder Law Center, founded in 2000 to provide legal assistance to elderly citizens in need in Orange County. The Center partners with local legal aid organizations and pro bono attorneys to provide legal services to seniors.<sup>116</sup>

CITY UNIVERSITY OF NEW YORK (CUNY) Elder Law Clinic (New York) focuses on areas of adult guardianships, estate and incapacity planning, and government benefits. "Legal interns appear in court on adult guardianship and estate administration cases, develop expertise in planning and drafting, and work with community groups on legal education and advocacy activities related to law and aging issues."<sup>117</sup>

DRAKE UNIVERSITY LAW SCHOOL (Iowa) has an Elder Law Clinic that represents senior citizens in matters regarding court and administrative proceedings.<sup>118</sup> "Students draft documents, such as powers of attorney and living wills, assist clients who have been the victims of financial or physical exploitation, and represent clients in a variety of forums."<sup>119</sup>

ELON UNIVERSITY SCHOOL OF LAW (North Carolina) has an In-House Wills Clinic that grants students the opportunity to represent low-income homeowners referred by Habitat for Humanity of Greater Greensboro.

The wills drafting course operates as a firm, where students alternate serving as the firm's managing partner. In firm meetings, students present an ethical problem related to wills drafting and

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115. *Id.*

116. *The Alona Cortese Elder Law Center*, CHAPMAN UNIV. SCH. OF LAW, <http://www.chapman.edu/law/legal-clinics/elder-law.aspx> (last visited Nov. 14, 2012).

117. *Elder Law*, CUNY SCH. OF LAW, <http://www.law.cuny.edu/academics/clinics/elder.html> (last visited Nov. 14, 2012).

118. *Neal & Bea Smith Legal Clinic*, DRAKE LAW, <http://www.law.drake.edu/academics/nealBeaSmith/> (last visited Nov. 14, 2012).

119. *Clinic Curriculum*, DRAKE LAW, <http://www.law.drake.edu/academics/nealBeaSmith/?pageID=clinicCurriculum> (last visited Nov. 14, 2012).

engage the class in a detailed exploration of legal issues surrounding and transfer of property at death in North Carolina.<sup>120</sup>

FAULKNER UNIVERSITY JONES SCHOOL OF LAW (Alabama) has an elder law clinic which helps senior clients with preparing wills and trusts, powers of attorney, living wills, property and financial needs, and government benefits.<sup>121</sup>

FLORIDA COASTAL LAW SCHOOL (Florida) Disability and Benefits Clinic enables students to assist needy clients in areas such as social security disability claims, supplemental security income claims, Medicaid and Medicare benefits, issues with temporary assistance and other governmental benefits, guardianships and advance directives. The Clinic allows students to interview and advise clients; examine, review and draft letters and legal documents; engage in extensive factual investigations and discovery; work with experts and other attorneys, negotiate on behalf of clients; prepare witnesses and present cases before administrative law tribunals.<sup>122</sup>

GONZAGA UNIVERSITY SCHOOL OF LAW (Washington) has an elder law clinic whose students represent low-income elderly clients regarding public entitlements (Medicare, Medicaid, Social Security, Veterans Affairs), housing (including landlord-tenant), estate planning (wills, power of attorney and health care directives), surrogate decision-making, health care, family and consumer law. Students are taught how to "interview and counsel clients; draft legal memoranda and documents, engage in case evaluation, fact investigation, and case planning; identify legal claims and defenses; and communicate with opposing parties and counsel;" some students may even have the chance to go to trial.<sup>123</sup>

HAMLIN UNIVERSITY LAW SCHOOL (Minnesota) has the Health Law Clinic which allows students to represent people in health law

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120. *Clinical Law Program that Change Lives*, ELON UNIV. SCH. OF LAW, <http://www.elon.edu/e-web/law/academics/clinics.xhtml> (last visited Nov. 14, 2012).

121. *Elder Law Clinic*, FAULKNER LAW, <http://www.faulkner.edu/JSL/elderlawclinic.aspx> (last visited Nov. 14, 2012).

122. *In House Clinics*, COASTAL LAW, <http://www.fcsl.edu/clinic/house-clinics> (last visited Nov. 14, 2012).

123. *Elder Law Clinic*, GONZ. UNIV. SCH. OF LAW, [http://www.law.gonzaga.edu/Academic-Program/law\\_clinic/curriculum/clinics/elder\\_law.asp](http://www.law.gonzaga.edu/Academic-Program/law_clinic/curriculum/clinics/elder_law.asp) (last visited Nov. 14, 2012).

related administrative hearings. Clients may include individuals with medical needs or disabilities who encounter health care eligibility issues, and health care workers with licensing issues.<sup>124</sup>

INDIANA UNIVERSITY MAURER SCHOOL OF LAW (Indiana) has the Disability Law Clinic, which gives students the ability to work with individual clients and groups working towards disability rights to address problems with discrimination and to assist low-income people with disabilities in gaining access to benefits and services. The primary case handlers for the clients are a pair of students who together engage in all the steps involved in case development.<sup>125</sup>

LOYOLA LAW SCHOOL LOS ANGELES (California) has the Disability Rights Legal Center, which is "an independent non-profit public interest law office . . . that provides free legal services to persons with disabilities."<sup>126</sup> The Center provides these services through "impact litigation, individual representation, telephone assistance trainings, and meaningful referrals to other agencies" with the assistance of law student externs, volunteer attorneys, and a legal and administrative staff.<sup>127</sup>

LOYOLA UNIVERSITY CHICAGO SCHOOL OF LAW (Illinois) has the Elder Law Initiative which allows students to become familiar with the range of specific legal problems facing the elderly so they are best prepared to help the elderly during their careers. The Elder Law Initiative includes the Elder Law Clinic, which by providing community service projects to students, exposes legal students to the problems the elderly face in the community. These projects train students to understand that, in addition to litigation, there are many tactics of legal reasoning that can be used to advocate for the elderly.<sup>128</sup>

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124. *Experiential Learning: Clinics*, HAMLINE UNIV. SCH. OF LAW, <http://law.hamline.edu/experiential/clinics.html#Health> (last visited Nov. 14, 2012).

125. *Clinic Program*, IND. UNIV. SCH. OF LAW, <http://www.law.indiana.edu/students/clinic/disability.shtml> (last visited Nov. 14, 2012).

126. *The Disability Rights Legal Center*, LOYOLA UNIV. LOS ANGELES SCH. OF LAW, <http://www.lls.edu/academics/candp/drlc.html> (last visited Nov. 14, 2012).

127. *Id.*

128. *Elder Law Initiative*, LOYOLA UNIV. CHICAGO SCH. OF LAW, <http://www.luc.edu/law/academics/special/center/elder.html> (last visited Nov. 14, 2012).

MISSISSIPPI COLLEGE OF LAW (Mississippi) has the Bioethics and Health Law Center that brings together several different community groups consisting of legal, medical, policy-making, and lay citizens to address modern health care problems that arise throughout the life cycle. The Center prides itself on providing high-caliber education in health law and bioethics law by supporting faculty research activities and presentations and by working with the student-run Health Law Society to host the Health Law Speaker Series.<sup>129</sup>

NEW ENGLAND LAW SCHOOL (Massachusetts) has the Health Law Clinic<sup>130</sup> and Mental Health Law Clinic<sup>131</sup> where students learn how to handle cases involving both legal and psychiatric issues.

NEW YORK LAW SCHOOL (New York) students assist in investigation of guardianship cases. Student tasks include: "assisting in interviewing the petitioner, the AIP, and witnesses; drafting court papers; researching and preparing memos; counseling the AIP (when the appointed lawyer is serving as counsel to the AIP); appearing in court; interviewing and coordinating the work of any medical or social services providers involved in the case; and preparing the court evaluator's report."<sup>132</sup>

NORTHERN ILLINOIS UNIVERSITY COLLEGE OF LAW (Illinois) has an Elder Law Clinic which provides legal assistance to seniors age sixty or above, including consumer fraud, family law, and elder abuse matters (financial and physical). Students draft advance planning documents, such as simple wills, power of attorney, and living wills.<sup>133</sup>

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129. *Bioethics and Health Law Center*, MC LAW, <http://law.mc.edu/academics/law-centers/bioethics-and-health/> (last visited Nov. 14, 2012).

130. NEW ENGLAND LAW-BOSTON, [http://www.nesl.edu/students/registrar\\_courses.cfm?selectfield=HL900](http://www.nesl.edu/students/registrar_courses.cfm?selectfield=HL900) (last visited Nov. 14, 2012).

131. *Law Course Descriptions: Health Law Clinic*, NEW ENGLAND LAW-BOSTON, [http://www.nesl.edu/students/registrar\\_courses.cfm?selectfield=MH642](http://www.nesl.edu/students/registrar_courses.cfm?selectfield=MH642) (last visited Nov. 14, 2012).

132. *Elder Law Clinic*, NEW YORK LAW SCH., [http://www.nyls.edu/academics/jd\\_programs/office\\_of\\_clinical\\_and\\_experiential\\_learning/clinics/elder\\_law\\_clinic](http://www.nyls.edu/academics/jd_programs/office_of_clinical_and_experiential_learning/clinics/elder_law_clinic) (last visited Nov. 14, 2012).

133. *Civil Justice Clinic*, NORTHERN ILLINOIS UNIVERSITY, [http://niu.edu/law/clinical\\_program/civil/clients\\_and\\_cases.shtml](http://niu.edu/law/clinical_program/civil/clients_and_cases.shtml) (last visited Nov. 14, 2012).

PACE LAW SCHOOL (New York) has a Disability Rights/Health Law Clinic that allows students to represent senior citizens and their families in transactional matters, civil cases, and administrative proceedings. "Examples include challenging denials of access to health care, Social Security disability benefits, Medicaid and Medicare, and special education advocacy."<sup>134</sup>

PENN STATE'S DICKINSON SCHOOL OF LAW (Pennsylvania) has an Elder Protection Clinic in which students are certified to practice in Pennsylvania courts.<sup>135</sup> The Clinic has an essential focus on helping older adults avoid or recover from abuse, including financial abuse. The students also host "Senior Law Day" which gives residents of a fifty-five or older apartment complex who need physical assistance access to free consultation with the Clinic.<sup>136</sup>

RUTGERS NEWARK SCHOOL OF LAW (New Jersey) established in 1970, the Urban League Clinic helps low-income individuals with legal problems that are affected by poverty. Law students involved in the clinic help clients with civil matters such "as housing, consumer protection, bankruptcy, matrimonial, employment and Social Security/SSI disability issues."<sup>137</sup>

SEATTLE UNIVERSITY SCHOOL OF LAW (Washington) has the Trusts and Estates/Indian Trusts and Estates Clinic where law students "represent a low-income elderly or disabled person in an estate planning matter, including preparation of wills, power of attorney and health care directives."<sup>138</sup>

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134. *Equal Justice America: Disability Rights Health Law Clinic*, PACE LAW SCH., <http://www.law.pace.edu/equal-justice-america-disability-rightshealth-law-clinic> (last visited Nov. 14, 2012).

135. *Elder Protection Clinic*, PENN STATE LAW, [http://law.psu.edu/academics/clinics\\_and\\_externships/elder\\_law\\_clinic](http://law.psu.edu/academics/clinics_and_externships/elder_law_clinic) (last visited Nov. 14, 2012).

136. *Students Expand Outreach through "Senior Law Day,"* PENN STATE LAW, [law.psu.edu/academics/clinics/elder\\_law\\_clinic/news](http://law.psu.edu/academics/clinics/elder_law_clinic/news) (last visited Nov. 14, 2012).

137. *Urban League Clinic*, RUTGERS SCH. OF LAW, <http://law.newark.rutgers.edu/clinics/urban-legal> (last visited Nov. 14, 2012).

138. *Clinic Courses*, SEATTLE UNIV. SCH. OF LAW, [http://www.law.seattleu.edu/Academics/Law\\_Clinic/Clinic\\_Courses.xml](http://www.law.seattleu.edu/Academics/Law_Clinic/Clinic_Courses.xml) (last visited Nov. 14, 2012).

SOUTHERN ILLINOIS UNIVERSITY SCHOOL OF LAW (Illinois) has the Legal Services to Older Persons program.<sup>139</sup> The program assists individuals sixty and over with a wide range of services, including “the drafting of simple wills and power of attorney, assistance with securing public benefits and entitlements including Social Security, Medicare, Medicaid and Veteran’s benefits.”<sup>140</sup> The clinic also assists with family law problems, consumer issues, and problems with public utilities. In addition, the clinic helps families with the challenges that come from their relatives needing guardians due to no longer being able to care for themselves or maintain their property.<sup>141</sup>

SOUTHERN UNIVERSITY LAW CENTER (Louisiana) has an elder law clinic whose mission is to “provide access to justice to an ever-increasing number of elderly citizens who are unable to afford adequate legal representation and to provide classroom instruction and real-life cases to third-year law students.”<sup>142</sup> Sometimes the Clinic receives appointments or assignments from the local district court, and is developing strong relationships with many local agencies and organizations.<sup>143</sup>

ST. JOHN’S UNIVERSITY SCHOOL OF LAW (New York) has the Elder Law Clinic which is part of the St. Vincent de Paul Legal Program, Inc.<sup>144</sup> Students, working in teams of two or three, advise elderly residents of Queens with low income. These cases involve deed theft, foreclosure defense and predatory lending, home improvement contractor fraud cases, debt collection, and other consumer matters.<sup>145</sup>

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139. *Civil Practice/Elderly Clinic: Programs for the Public*, S. ILL. UNIV. SCH. OF LAW <http://www.law.siu.edu/Current%20Students/Civil%20Practice%20Elderly%20Clinic.php> (last visited Nov. 14, 2012).

140. *Id.*

141. *Id.*

142. *Clinical Education: The Clinics*, SULC <http://www.sulc.edu/Departments/Clinics/clinics.html> (last visited Nov. 14, 2012).

143. Dorothy F. Jackson, *Elder Law Clinic*, S. UNIV. LAW CTR., <http://www.sulc.edu/Departments/Clinic/clinics.html> (last visited Nov. 14, 2012).

144. *Consumer Justice for the Elderly: Litigation Clinic*, ST. JOHN’S UNIV. SCH. OF LAW, <http://www.stjohns.edu/academics/graduate/law/academics/clinics/elder> (last visited Nov. 14, 2012).

145. *Id.* Fraudulent deed transactions, which may occur from a foreclosure rescue scam, create deed theft by taking a person’s home from them. Older people with diminished mental capacity are victims of fraud, created through forgery or fraudulent deeds and power of attorney. The victim is threatened with foreclosure or eviction while the property is “flipped,” or quickly sold, to another party. Clinic students try to restore title to the true owner.

ST. LOUIS UNIVERSITY SCHOOL OF LAW (Missouri) has the Health Law Scholars Workshop where new faculty in health law and bioethics scholarship present works-in-progress while receiving critiques and advice from experienced health law and bioethics scholars.<sup>146</sup>

STETSON UNIVERSITY COLLEGE OF LAW (Florida) has an elder law course through which, under the Florida Integration Rule, clinic students are certified to practice under the supervision of a licensed attorney. Students represent clients older than sixty who meet the guidelines of income eligibility from the local legal aid program. Students assist with pre-trial investigation, drafting, negotiations, hearings and trials.<sup>147</sup>

SUNY-BUFFALO LAW SCHOOL (New York) has the William and Mary Foster Elder Law Clinic, which aims to help clients find access to and pay for long-term medical care. The clinic handles individual cases with the law firm Legal Services for the Elderly, Disabled, or Disadvantaged of Western New York.<sup>148</sup>

SYRACUSE UNIVERSITY COLLEGE OF LAW (New York) has the Elder Law Clinic, which deals with general practice concerning the elderly. Among other things, it addresses health insurance (Medicare, Medicaid, and private insurance), access to medical care, advance directives, Social Security issues, consumer law, and housing law. As part of the Syracuse Medical Legal Partnership, the Elder Law Clinic collaborates with geriatricians.<sup>149</sup>

TEXAS TECH UNIVERSITY SCHOOL OF LAW (Texas) has the Civil Practice Clinic which participates in community service by helping

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146. *The Center for Health Law Studies*, ST. LOUIS UNIV. SCH. OF LAW, [http://slu.edu/Documents/law/Brochures/health\\_law\\_scholars\\_brochure.pdf](http://slu.edu/Documents/law/Brochures/health_law_scholars_brochure.pdf) (last visited Nov. 14, 2012).

147. *Elder Law Courses*, STETSON LAW, <http://www.law.stetson.edu/academics/elder/home/elder-law-courses.php> (last visited Nov. 14, 2012).

148. *William and Mary Foster Elder Law Clinic*, SUNY BUFFALO LAW SCH., [http://law.buffalo.edu/Academic\\_Programs\\_And\\_Research/default.asp?filename=ElderLawClinic](http://law.buffalo.edu/Academic_Programs_And_Research/default.asp?filename=ElderLawClinic) (last visited Nov. 14, 2012).

149. *Elder Law Clinic*, SYRACUSE UNIV. COLL. OF LAW, <http://www.law.syr.edu/academics/clinical-legal-education/elder-law-clinic.aspx> (last visited Nov. 14, 2012).



low-income clients obtain access to legal services.<sup>150</sup> The Clinic requires students to represent clients facing family law, public benefits, civil rights, and consumer and estate planning matters chosen through close consultation with Legal Aid of Northwest Texas.<sup>151</sup>

THOMAS COOLEY LAW SCHOOL (Michigan) has an internship experience called Sixty Plus, Inc. Elderlaw Clinic. In the Clinic, students interview, counsel, represent, and advocate in a general civil law practice for clients who are sixty or over.<sup>152</sup>

TOURO LAW CENTER (New York) has the Elder Law Clinic, which provides students the opportunity to provide legal services to the elderly. Students participating in the clinic work advise elder clients under professor supervision for twelve to fifteen hours per week.<sup>153</sup>

UNIVERSITY OF ALABAMA (Alabama) has Legal Counsel for the Elderly, which trains law students, and as an Area Agency on Aging through the Older Americans Act legal provider, provides a broad range of free legal services to those sixty or over. The Clinic provides legal assistance on matters such as nursing home issues, Medicaid/Medicare, Social Security, consumer fraud, housing, public benefits, elder abuse and exploitation, probate, and health care planning and decision-making. The Elder Law Clinic also provides education on elder law matters to community and nursing home residents and operates an information website.<sup>154</sup>

UNIVERSITY OF BALTIMORE SCHOOL OF LAW (Maryland) has the Disability Clinic where students represent patients in involuntary civil commitment hearings at Sheppard Pratt Psychiatric Hospital. "Students engage in a client interview and counseling session, a medical

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150. *Civil Practice Clinic*, TEXAS TECH UNIV. SCHOOL OF LAW, <http://www.law.ttu.edu/acp/programs/clinical/civil/> (last visited Nov. 14, 2012).

151. *About the Civil Practice Clinic*, TEXAS TECH UNIV. SCH. OF LAW, <http://www.law.ttu.edu/acp/programs/clinical/civil/about/> (last visited Nov. 14, 2012).

152. *Sixty Plus, Inc. Elderlaw Clinic*, THOMAS M. COOLEY LAW SCH., <http://www.cooley.edu/clinics/intro60.htm> (last visited Nov. 14, 2012).

153. *Clinic Descriptions*, TOURO LAW, <http://www.tourolaw.edu/Academics/?pageid=600> (last visited Nov. 14, 2012).

154. *Legal Counsel for the Elderly*, UNIV. OF ALA. SCH. OF LAW, [www.law.ua.edu/elderlaw/](http://www.law.ua.edu/elderlaw/) (last visited Nov. 14, 2012).

record file review, further case preparation and development by interviewing a psychiatrist and often family members and culminate with an administrative hearing. Professional responsibility issues come alive . . . ."<sup>155</sup>

UNIVERSITY OF DETROIT MERCY SCHOOL OF LAW (Michigan) has the Urban Law Clinic where students represent indigent senior clients in a variety of cases, by appearing in court and conducting administrative hearings. Students have the ability to draft estate planning materials such as wills and powers of attorney, while also addressing consumer and health issues and social security disability issues.<sup>156</sup>

THE UNIVERSITY OF HOUSTON (Texas) has the Civil Practice Clinic where students have the ability to work on many civil cases, such as "bankruptcy, collection, landlord-tenant, divorce, domestic violence, juvenile dependency and neglect, juvenile defense, administrative appeals, adoption, estate planning, guardianships, name changes and probate."<sup>157</sup>

UNIVERSITY OF IOWA COLLEGE OF LAW (Iowa) provides In-House Clinic student interns the opportunity to work with full-time faculty members on individual cases and gives them the responsibility of representing clients throughout the legal process, from "interviewing and counseling, negotiation, fact investigation, depositions, drafting and briefing, and courtroom appearances."<sup>158</sup> Through the use of the work supported by the Iowa Program for Assistive Technology, the clinic helps disabled individuals by representing them in their efforts to acquire equipment for school, work, and home. In addition, the clinic collaborates with community groups and represents them in an effort to improve the opportunities for persons with disabilities, elderly Iowa residents, and other underrepresented groups.<sup>159</sup>

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155. *Disability Law Clinic*, UNIV. OF BALTIMORE SCH. OF LAW, <http://law.ubalt.edu/clinics/clinics/disability.cfm> (last visited Nov. 14, 2012).

156. *Clinics*, UNIV. OF DETROIT MERCY SCH. OF LAW, <http://www.law.udmercy.edu/index.php/academics1/clinics> (last visited Nov. 14, 2012).

157. UNIV. OF HOUSTON LAW CTR., <http://www.law.uh.edu/clinic/civil.asp> (last visited Nov. 14, 2012).

158. *Clinical Law Programs*, THE UNIV. OF IOWA COLLEGE OF LAW, <http://www.law.uiowa.edu/clinic/> (last visited Nov. 14, 2012).

159. *Id.*

UNIVERSITY OF KANSAS SCHOOL OF LAW (Kansas) has the Elder Law Externship which allows students supervised by attorneys from the Kansas Legal Services to work on issues such as "income maintenance, access to health care, housing, and consumer protection."<sup>160</sup> In addition, students can work on the Elder Law Research Project, where they are given the opportunity to prepare documents for the internet database on elder law and gerontology called the Kansas Elder Network.<sup>161</sup>

UNIVERSITY OF MARYLAND (Maryland) has the General Practice Clinic, where students are given the opportunity to represent clients with low to modest incomes primarily in the area of immigration law, but also with regards to employment law, consumer law, family law, wills and estates, and real estate law.<sup>162</sup>

UNIVERSITY OF MEMPHIS CECILE C. HUMPHREYS SCHOOL OF LAW (Tennessee) has the Elder Law Clinic which affords students the opportunity to view clients in context and to serve them in totality, as envisioned in the views of elder law practice developed by the National Elder Law Foundation. Students "will develop core legal skills through representation of elderly clients across a broad range of substantive areas including consumer protection, financial exploitation, conservatorship, real property issues, grandparent adoption, health care, social security, and wills and advanced directives."<sup>163</sup>

UNIVERSITY OF THE PACIFIC MCGEORGE SCHOOL OF LAW (California) has the Elder Law and Health Clinic which helps clients in cases involving a wide variety of elder law issues.<sup>164</sup>

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160. *Elder Law Externship*, THE UNIV. OF KANSAS SCH. OF LAW, <http://www.law.ku.edu/elderlawclinic> (last visited Nov. 14, 2012).

161. *Id.*

162. *General Practice Clinic*, UNIV. OF MARYLAND FRANCIS KING CAREY SCH. OF LAW, [http://www.law.umaryland.edu/academics/program/curriculum/catalog/course\\_details.html?coursenum=545D](http://www.law.umaryland.edu/academics/program/curriculum/catalog/course_details.html?coursenum=545D) (last visited Nov. 14, 2012).

163. *Elder Law Clinic*, THE UNIV. OF MEMPHIS CECIL C. HUMPHREYS SCH. OF LAW, <http://www.memphis.edu/law/experiential/elderlaw.php> (last visited Nov. 14, 2012).

164. *Elder Law and Health Clinic*, UNIV. OF THE PAC. MCGEORGE SCH. OF LAW, [http://mcgeorge.edu/Future\\_Students/JD\\_Programs/Experiential\\_Learning/Legal\\_Clinics/Elder\\_and\\_Health\\_Law\\_Clinic.htm](http://mcgeorge.edu/Future_Students/JD_Programs/Experiential_Learning/Legal_Clinics/Elder_and_Health_Law_Clinic.htm) (last visited Nov. 14, 2012).

UNIVERSITY OF MIAMI SCHOOL OF LAW (Florida) has a Health and Elder Law Clinic in which students help low-income elderly and health-impaired clients. Clients are referred by the University of Miami Miller School of Medicine health care providers and other community organizations. Students are the client's main advocate in the case, including interviewing and counseling, fact investigation, drafting and briefing, negotiations and hearings.<sup>165</sup>

UNIVERSITY OF PITTSBURGH (Pennsylvania) has an elder law clinic in which students represent low-income clients age sixty or older and their family members in issues relating to "advance planning for incapacity (including power of attorney and living wills), simple estate planning, guardianship and related matters, Medical Assistance for long-term care, settlement of estates with limited assets/small estates, and grandparenting issues."<sup>166</sup>

UNIVERSITY OF ST. THOMAS (Minnesota) has an Elder Law Practice Group in the Interprofessional Center for Counseling and Legal Services, which provides legal services for seniors with problems related to long-term care, housing issues, debt collection and consumer rights, estate probate, tax issues, and financial abuse and exploitation.<sup>167</sup>

UNIVERSITY OF SOUTH DAKOTA (South Dakota) has the Elderlaw Forum, which is a "public service of the University of South Dakota School of Law."<sup>168</sup> An expansion of Senior Legal Helpline available for free to those fifty-five and older, the Forum provides material by radio, a weekly newspaper column, and law school research papers placed on the School of Law website.<sup>169</sup>

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165. *Health and Elder Law Clinics*, UNIV. OF MIAMI SCH. OF LAW, <http://www.law.miami.edu/clinics/helc.php> (last visited Nov. 14, 2012).

166. *Elder Law Clinic*, PITT LAW, <http://www.law.pitt.edu/academics/juris-doctor/clinics/elder> (last visited Nov. 14, 2012).

167. *Elder Law Practice Group*, UNIV. ST. THOMAS, <http://www.stthomas.edu/ipc/legal/elderlaw/default.html> (last visited Nov. 14, 2012).

168. *Elder Law Forum*, UNIV. OF S.D. SCH. OF LAW, <http://www.usd.edu/law/elderlaw.cfm> (last visited Nov. 14, 2012).

169. *Id.*

THE UNIVERSITY OF TOLEDO COLLEGE OF LAW (Ohio) has the Legal Clinic, which offers students classroom and practicum learning in civil rights, housing, immigration and asylum, family law, social security disability, real estate, contracts, tort defense, elder law, nonprofit community work, and sexual orientation law.<sup>170</sup>

UNIVERSITY OF UTAH S.J. QUINNEY COLLEGE OF LAW (Utah) has the Elder Law Clinic, which offers students diverse opportunities to explore settings in which issues facing the elderly arise.<sup>171</sup>

UNIVERSITY OF VIRGINIA SCHOOL OF LAW (Virginia) has the Advocacy for the Elderly Clinic in which students represent elderly clients in negotiations, administrative hearings and court proceedings on a variety of legal matters, including basic wills and power of attorney, guardianships, consumer issues, Medicaid and Medicare benefits, nursing home regulation and quality of long-term care, elder abuse and neglect, and advance medical directives.<sup>172</sup>

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170. *Legal Clinics*, UNIV. OF TOLEDO LAW, <http://law.utoledo.edu/students/clinics/legalclinic.htm> (last visited Nov. 14, 2012).

171. *Elder Law Clinic*, UNIV. OF UTAH COLL. OF LAW, <http://www.law.utah.edu/clinic/clinic-list/the-elder-law-clinic/> (last visited Nov. 14, 2012).

172. *Advocacy for the Elderly Clinic*, VA. LAW, <http://www.law.virginia.edu/html/academics/practical/elderlaw.htm> (last visited Nov. 14, 2012).

UNIVERSITY OF WISCONSIN LAW SCHOOL (Wisconsin) although there is no Elder Law Clinic, the University of Wisconsin has a Health Law Externship. "Students will be exposed to health issues that are confronting lawyers representing consumers, patients, employees, physicians, and government agencies."<sup>173</sup>

WAKE FOREST UNIVERSITY (North Carolina) has developed a multidisciplinary center on aging.<sup>174</sup> The principle was that issues facing the elderly clients would be best addressed by a team approach, rather than "a discrete silos of expertise that do not communicate with each other."<sup>175</sup> Law students not only have an opportunity to learn from attorneys but have an opportunity to learn from medical school faculty as well as other professionals who service older adults. Students may learn about the practical aspects of end-of-life decision-making from an experienced physician, or the common religious and spiritual responses to the dying process through a pastoral-care chaplain, or observe the ethics consult team analyze a recommendation on end-of-life disputes in the medical center.<sup>176</sup> The Wake Forest Program provides free legal assistance to moderate-income seniors with topics ranging from living wills, power of attorney (health and financial), guardianship, Medical coverage for Nursing Home care, abuse and neglect, and consumer issues. Students generally handles cases as court-appointed guardians *ad litem*.<sup>177</sup> Students also give presentations to the public on fraud, advance medical directives, nursing-home residents' rights, and innovative local programs for aging adults.<sup>178</sup>

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173. *Experiential Learning: Clinical Education*, UNIV. OF WIS. LAW SCH., <http://law.wisc.edu/academics/clinics/clinicaleducationskillstraining.html> (last visited Nov. 14, 2012).

174. *Elder Law Clinics*, WAKE FOREST UNIV. SCH. OF LAW., <http://elder-clinic.law.wfu.edu/> (last visited Nov. 14, 2012).

175. Mewhinney, *supra* note 106, at 164–65.

176. *Id.*

177. *Id.*

178. *Id.*

WAYNE STATE UNIVERSITY LAW SCHOOL (Michigan) although there is no Elder Law Clinic, Wayne State has a Disability Clinic. In the Disability Clinic, students assist low-income individuals with disabilities on a range of issues, including social security, health insurance and special education.<sup>179</sup>

WIDENER LAW SCHOOL DELAWARE HARRISBURG (Delaware) has the Delaware Civil Law Clinic which provides free legal services to impoverished clients in conjunction with Delaware Volunteer Legal Services. Students assist the elderly or terminally ill in a range of matters.<sup>180</sup>

WILLIAM MITCHELL COLLEGE OF LAW (Minnesota) has the Center for Elder Justice & Policy which focuses on education, research, and public service opportunities in the context of elder law and aging issues.<sup>181</sup>

#### SELECTED VETERANS LAW CLINICS

THE JOHN MARSHALL LAW SCHOOL (Illinois) has the Veterans Legal Support Center & Clinic dedicated solely to addressing the legal needs of veterans seeking benefits from the U.S. Department of Veterans Affairs.<sup>182</sup>

NORTH CAROLINA CENTRAL UNIVERSITY SCHOOL OF LAW (North Carolina) the legal needs of veterans seeking benefits from the U.S. Department of Veterans Affairs are explored by the Veterans Law Clinic. Law students help veterans who are filing claims with the U.S. Department of Veterans Affairs, the Board of Veterans Appeals, and the U.S. Court of Appeals for Veterans Claims.<sup>183</sup>

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179. *Disability Law Clinic*, WAYNE STATE UNIV. LAW SCH., <http://law.wayne.edu/academics/disability-clinic.php> (last visited Nov. 14, 2012).

180. *Delaware Civil Law Clinic*, WIDENER LAW, <http://law.widener.edu/Academics/ClinicalProgramsandProfessionalTraining/Clinics/DelawareCivilLawClinic.aspx> (last visited Nov. 14, 2012).

181. *The Center for Elder Justice & Policy*, WILLIAM MITCHELL COLL. OF LAW, <http://web.wmitchell.edu/elderjustice/> (last visited Nov. 14, 2012).

182. *Veterans Legal Support Center & Clinic*, THE JOHN MARSHALL LAW SCH., <http://www.jmls.edu/veterans/students/index.asp> (last visited Nov. 14, 2012).

183. *Veterans Law*, N.C. CENT. UNIV. SCH. OF LAW, <http://law.nccu.edu/clinics/veterans-law/> (last visited Nov. 14, 2012).

PHOENIX SCHOOL OF LAW (Arizona) has a Veterans Legal Assistance Clinic that provides legal assistance to veterans once they are out of the military. The clinic offers legal assistance in only civil matters which include landlord-tenant, wills and estate planning, consumer rights, assistance with veteran's services and foreclosure law and issues.<sup>184</sup>

UNIVERSITY OF DETROIT MERCY SCHOOL OF LAW (Michigan) students participating in the Veterans Clinic have the opportunity to represent military veterans and their families in disability cases and related matters. Students primarily practice before the Department of Veterans Affairs and the Board of Veterans Appeals to obtain veterans benefits for service-connected disabilities.<sup>185</sup>

WIDENER UNIVERSITY SCHOOL OF LAW (Delaware & Pennsylvania) the Veterans Law Clinic provides free legal services to veterans who are at 150% of the poverty level and have been denied benefits by the Regional Office but who want to appeal to the Board of Veterans Appeals.<sup>186</sup>

YALE LAW SCHOOL (Connecticut) has the Veterans Legal Services Clinic which was established in 2010 and provides law students with an opportunity to represent "Connecticut veterans in litigation before administrative agencies and courts, on benefits, discharge upgrade, immigration, and pardon matters."<sup>187</sup> Law students also represent organizations both at the local and national level in other matters arising out of veterans' needs, including reform to regulations and law affecting veterans, advocacy in media, and strategy.<sup>188</sup>

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184. *Legal Clinics: Clinical Programs*, PHOENIX SCH. OF LAW, <http://www.phoenixlaw.edu/clinics/> (last visited Nov. 14, 2012).

185. UNIV. DETROIT MERCY, *supra* note 156.

186. WIDENER LAW, *supra* note 180.

187. *Veterans Legal Services Clinics*, YALE LAW SCH., <http://www.law.yale.edu/academics/veteranslegalservicesclinic.htm> (last visited Nov. 14, 2012).

188. *Id.*